IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

WA.No. 967 of 2006(B)

AGAINST THE JUDGEMENT IN WPC.6736/2006 Dated 23/03/2006
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APPELLANT: PETITIONER:

SEENA P., LECTURER IN CIVIL ENGINEERING
GOVERNMENT ENGINEERING COLLEGE,
SREEKRISHNAPURAM, PALAKKAD.

BY ADV. SRI.P.K.VIJAYAMOHANAN
SMT.RESMI G. NAIR

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, HIGHER EDUCATION
DEPARTMENT, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

2. THE SELECTION COMMITTEE FOR
APPOINTMENT TO THE POST OF ASSISTANT
PROFESSORS IN CIVIL ENGINEERING, REPRESENTED
BY ITS CHAIRMAN, HIGHER EDUCATION DEPARTMENT
THIRUVANANTHAPURAM.

3. THE DIRECTOR OF TECHNICAL EDUCATION,
THIRUVANANTHAPURAM.

4. ANIL. R., LECTURER IN CIVIL ENGINEERING
GOVERNMENT ENGINEERING COLLEGE,
THIRUVANANTHAPURAM.

5. NOWSHAJA PANIKKAVEETTIL THEKKARAYIL,
LECTURER IN CIVIL ENGINEERING,
GOVERNMENT ENGINEERING COLLEGE,
THRISSUR.

6. SMT.JAYA V., LECTURER IN CIVIL
ENGINEERING, GOVERNMENT ENGINEERING COLLEGE,
THIRUVANANTHAPURAM.

7. SMT.SUBAIDA E.A., LECTURER IN CIVIL ENGINEERING, GOVERNMENT ENGINEERING COLLEGE, THRISSUR, DEPUTATION ON LEAVE UNDER QUP (PH.D.) AT NATIONAL INSTITUTE OF TECHNOLOGY, REC P.O., KOZHIKODE.

8. DR. ARVEE SUJIL JOHNSON, LECTURER IN CIVIL ENGINEERING, GOVERNMENT ENGINEERING COLLEGE, THIRUVANANTHAPURAM.

9. RAJESH K.V., LECTURER IN CIVIL ENGINEERING, GOVERNMENT ENGINEERING COLLEGE, MANANTHAVADY, WAYANAD.

10. SMT.PRIYADARSHINI R.S., LECTURER IN CIVIL ENGINEERING GOVERNMENT ENGINEERING COLLEGE, THIRUVANANTHAPURAM.

11. SMT.AJITHA. A.R., LECTURER IN CIVIL ENGINEERING, GOVERNMENT ENGINEERING COLLEGE, THIRUVANANTHAPURAM.

12. ABDUL RAOOF. A., LECTURER IN CIVIL ENGINEERING ON LEAVE FOR FOREIGN EMPLOYMENT.

13. REEBA THOMAS, LECTURER IN CIVIL ENGINEERING, GOVERNMENT ENGINEERING COLLEGE, THRISSUR.

14. VINOD P., LECTURER IN CIVIL ENGINEERING, GOVERNMENT ENGINEERING COLLEGE, THIRUVANANTHAPURAM.

15. PRAVEEN. A., LECTURER IN CIVIL ENGINEERING, GOVERNMENT ENGINEERING COLLEGE, THRISSUR.

BY GOVERNMENT PLEADER BENNY GERVASIS
SRI.N.NANDAKUMARA MENON FOR R13 AND R14
SRI.P.K.MANOJKUMAR
SRI.PIRAPPANCODE V.S.SUDHEER FOR R4 TO R6, R10 & R11

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 10/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ

W.A. 967/2006

Dated this the 10th day of September, 2007

JUDGMENT

Radhakrishnan, J

Writ petition was preferred by the appellant herein seeking a writ of certiorari to quash Ext.P4 Rank List prepared by the second respondent, Selection Committee, for appointment to the post of Assistant Professor in Civil Engineering and also for other consequential reliefs.

2. Petitioner is a Lecturer in Civil Engineering and though she is having all the requisite qualifications, she is not included in Ext.P4 rank list, as she does not have three years teaching experience after the acquisition of Masters Degree in the subject. Special Rules of the Kerala Technical Education Service, on amendment, says that the qualification for Assistant Professor is three years experience in teaching/industry/research at the level of Lecturer or equivalent. As per Rule 10(ab) of Part II of K.S. & S.S.R., the experience to be acquired by the candidate should be one after the acquisition of the basic qualification that is Masters Degree for the post in

question. Appellant acquired the Masters Degree only in May, 2004 and she could acquire the three years experience only by May, 2007 and hence we find no illegality in the order of the learned Single Judge. Further we are informed that on the basis of the judgment of the learned Single Judge, petitioner has preferred a representation before the Government which was rejected.

3. Counsel for the appellant submitted that the fourth respondent, who is also similarly placed like the petitioner, has already been included in the select list and hence she also should have been included in the list. We make it clear that if any illegality is committed by the inclusion of the fourth respondent in the list, that is not a matter for us to consider in this proceeding. Writ appeal lacks merit and the same is dismissed.

K.S.RADHAKRISHNAN
Judge

A.K.BASHEER
Judge

mrcs